NAFTA Secretariat
Canadian Section

Departmental Performance Report

For the period ending March 31, 2007

The Honourable David Emerson
Minister of International Trade

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SECTION 1 – OVERVIEW

1.1 The Minister's Message

The North American Free Trade Agreement (NAFTA) – now in its 14th year – stands as a clear example of success for all three North American partners. In today's fiercely competitive global landscape, the NAFTA has contributed to sharpen the competitive advantages of businesses, and to the creation of wealth and increased the prosperity of our citizens.

Under the NAFTA, Canada's annual merchandise trade with its NAFTA partners has nearly doubled since 1994, reaching $597.2 billion in 2006. Trade in services has nearly doubled as well (from $46.4 billion in 1994 to $82.7 billion in 2004). There has also been a positive impact on investment. Total foreign direct investment in Canada reached $448.9 billion in 2006, of which more than 61% came from our NAFTA partners. This enhanced economic activity and production has contributed to the creation of more and better paying jobs for Canadians.

In the past decade the global business and trade environment has become increasingly complex and competitive, particularly fuelled by the rapidly changing patterns of global value chains and the rise of new and rapidly growing markets. We have to work even more closely together with our North American partners to maximize North American competitiveness and take full advantage of this new environment.

When I met with my NAFTA counterparts on August 14, 2007, we committed to increase market efficiencies, economic growth, prosperity and innovation in all three countries for the benefit of our citizens. We agreed to: develop a work plan which will address the key issues that impact our trade and identify the most effective means to further enhance it; facilitate trade in specific sectors in order to foster stronger more competitive North American value chains; and, conduct an analysis of the free trade agreements that each country has negotiated subsequent to the NAFTA, beginning with those in the western hemisphere.

In 2006-2007, the Canadian Section of the NAFTA Secretariat focussed its efforts on the improvement of its management frameworks, and responding to client's needs and employee's learning and development. Significant progress was achieved in these areas by becoming ISO 9001:2000 quality management system certified and by introducing a new Policy on Talent Management. I encourage the Canadian Section of the NAFTA Secretariat to continue its high level of service in the effective, unbiased and equitable administration of the dispute settlement mechanisms of the NAFTA.

The Honourable David Emerson
Minister of International Trade

1.2 Management Representation Statement

I submit for tabling in Parliament, the 2006-2007 Departmental Performance Report (DPR) for the NAFTA Secretariat, Canadian Section.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2006-2007 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board Secretariat guidance;
- It is based on the department's approved Strategic Outcome and Program Activity Architecture structure that was approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved numbers from the Estimates and the Public Accounts of Canada.

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Françoy Raynauld, Ph.D.
Secretary
NAFTA Secretariat, Canadian Section

_____

Date

1.3 Summary Information

This report demonstrates the Canadian Section's commitment to sound management practices in the administration of international trade dispute resolution mechanisms. The report emulates the four principles for public reporting set by Treasury Board of Canada Secretariat (TBS). These principles require departments and agencies to:

- focus on the benefits for Canadians, explain the critical aspects of planning and performance, and set them in context;
- present credible, reliable, and balanced information;
- associate performance with plans, priorities, and expected results, explain changes, and apply lessons learned; and
- link resources to results.

The report begins by briefly describing the purpose of the NAFTA Secretariat, Canadian Section, followed by operating environment, key co-delivery organizations, risks and challenges as well as human and financial resources. Then the report summarizes the Canadian Section's strategic outcome and performance results for the period under review, including financial performance. The final section provides organizational information on who we are and what we do.

1.3.1 Mandate

The NAFTA Secretariat, Canadian Section is an independent agency created in 1994 by an Act of Parliament (*the North American Free Trade Agreement Implementation Act*). The mandate of the NAFTA Secretariat is to administer the trade dispute resolution mechanisms (see ANNEX A for the mandate of the NAFTA Secretariat).

1.3.2 Operating Framework

The Canadian Section of the NAFTA Secretariat is funded by Parliament through a program expenditures vote. It operates within the context of Canada's international trade framework.

The Canadian Section reports to Parliament, for financial accountability purposes, through the Minister of International Trade (see Section 3.7 – Responsibility Chart).

For more details on the operating context, see the NAFTA Secretariat website at http://www.nafta-sec-alena.org and the Canadian Section website at http://www.nafta-sec-alena.org/canada/index_e.aspx.

1.3.3 Key Co-Delivery Organizations

The NAFTA Secretariat comprises the Canadian, the United States and the Mexican national sections. Pursuant to Article 1908 of the NAFTA, the involved national sections are required to "act jointly in providing administrative assistance to all panels and committees". In light of this, the Canadian Section's relationship with its counterpart sections in the United States and Mexico is fundamental to its effective performance.

Additionally, the NAFTA Secretariat, Canadian Section is one of many Canadian and NAFTA country organizations involved in international trade matters. While it operates at arm's length from other federal and provincial government institutions, it can only succeed in fulfilling its strategic outcome by working with them. Therefore, in fulfillment of its mandate, the NAFTA Secretariat interacts directly with:

- Foreign Affairs and International Trade Canada;
- Canada Border Services Agency;
- Canadian International Trade Tribunal;
- roster members (list of international trade law experts established by the NAFTA governments to serve as panelists in disputes);
- panelists (adjudicators of these disputes chosen on a case by case basis by the involved governments);
- counsel for participants in the disputes, including counsel for investigating authorities (government agencies whose decisions are reviewed by binational panels);
- representatives of the NAFTA country governments;
- university academics; and
- the general public.

Furthermore, the Canadian Section has established memorandums of understanding with other federal government departments for the provision of human resources support services, financial systems, various back-up services and the administration of *Public Servants Disclosure Protection Act*. Such agreements are currently in place, among others, with Public Works and Government Services Canada, Health Canada, the Military Police Complaint Commission and the Competition Tribunal.

1.3.4 Risks and Challenges

The followings are key environmental factors that could affect the planning and priority setting of the NAFTA Secretariat, Canadian Section:

1.3.4.1 Tripartite Nature of the NAFTA Secretariat

The NAFTA Secretariat operates in a social context where different legal, linguistic, business and cultural traditions prevail. Managing the Canadian participation in this tripartite organization must be conducted within the policies and practices of the Canadian Government and also be harmonized with administrative practices of its two partners in the United States and Mexico. New initiatives (for instance, Government on-Line) often require extensive consultations and negotiation before they can be implemented, as the three sections of the NAFTA Secretariat must give their concurrence.

1.3.4.2 Maintaining Organizational Capability

The success of the NAFTA Secretariat and its credibility as an independent tribunal depend largely on the expertise, professionalism and competence of its employees. In recent years, we have introduced essential training for employees and managers to ensure they have the knowledge and skills to meet evolving mandatory job requirements, as services offered to our stakeholders increase. However, as there are few lateral or higher career opportunities within the Secretariat, the retention of key personnel remains a challenge.

1.3.5 Financial and Human Resources

Total Financial Resources ($ 000)

2006-2007		
Planned Spending	Authorities	Actual Spending
$2,991	$2,940	$1,511

Total Human Resources (FTEs)

2006-2007		
Planned	Actual	Difference
12	9	-3

1.4 Summary of Departmental Performance

In its 2006-2007 Report on Plans and Priorities (RPP), the NAFTA Secretariat, Canadian Section identified six priorities, which were aimed at finding and improving ways to enhance its service delivery (see Sections 2.3.1 to 2.3.6 below). Overall, substantial progress was achieved against all priorities and with respect to project planning and resource allocation. Table 1 provides a quick overview of the results achieved during the year under review.

Table 1: Status on Performance | **2006 – 2007**

Strategic Outcome: A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada.

Alignment to Government of Canada Outcomes: A Strong and Mutually Beneficial North American Partnership.

Priorities	Type	Expected Results	Performance Status[1]	Planned Spending ($ 000)	Actual Spending[2] ($ 000)
Support to panels and committees	Ongoing	Improved support to panels and committees	Successfully met	650	307
Unbiased and equitable administrative process	Ongoing	Unbiased and equitable administrative process	Successfully met	600	261
Openness and accountability	Ongoing	Corporate culture that ensures transparency in management processes	Successfully met	120	63
National and international collaboration	Ongoing	Increased national and international collaboration	Successfully met	200	94
Operational efficiency and effectiveness	Ongoing	Improved management practices and continuous learning	Successfully met	730	398
Highest quality of service	Ongoing	Maintenance of the highest quality of administration	Exceeded expectations	691	388

1 The results shown reflect feedbacks on its program and services from its employees at regular management meetings and other key strategic planning meetings. Additionally, the audit carried out by the Canadian General Standards Board has determined that our management systems met the standards of ISO 9001:2000 and as a result the Canadian Section obtained a certification (see also Section 2.3.2)

2 Cost includes program spending and salaries and benefits

1.5 What the Priorities Mean for Canadians

Canada's economic growth and prosperity are inextricably linked to access to the NAFTA countries and other markets. As a result, Canadian foreign policy underscores the rules-based international trade dispute settlement systems as a critical part of its trade policy and trade relations. The NAFTA Secretariat administers relevant international trade dispute processes based on clear and equitable rules. Therefore, the program activity of the NAFTA Secretariat serves a public interest by providing a timely, unbiased and inexpensive administration of trade dispute resolution processes. Hence, Canadian exporters, importers, producers and investors in goods and service industries directly benefit from a fairer and more predictable operating environment.

SECTION 2 – ANALYSIS OF PERFORMANCE BY STRATEGIC OUTCOME

2.1 Strategic Outcome

A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada

It is increasingly clear that Canada's economic prosperity will continue to be significantly defined by its success in the North American market. The NAFTA's rules-based dispute resolution system provides critical stability and transparency for Canadian business as they continue to seek new opportunities and secure market access abroad. It is also crucial that the integrity of the rules-based framework continues to provide an effective means to resolve any trade dispute that may arise in such a large trading partnership. In this regard, the Canadian Section of the NAFTA Secretariat continues to provide services of the highest quality in the administration of international trade disputes settlement. Our strategic outcome is directly aligned with one of the Government of Canada's outcomes, which is **A Strong and Mutually Beneficial North American Partnership** (see Table 2 below).

Table 2: Alignment of Strategic Outcomes and Program Activities With Outcome Areas in the Whole-of-Government Framework

Government of Canada Outcome Area	A Strong and Mutually Beneficial North American Partnership	
Strategic Outcome	A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada	
Program Activities	Administration of International Trade Dispute Settlement Mechanisms	Internal Services

2.1.1 Program Activity

In its 2006-2007 Report on Plans and Priorities, the NAFTA Secretariat, Canadian Section identified only one program activity, which is the administration of international trade dispute settlement mechanisms. In addition, a second program activity has been defined as internal services, in line with the directives from the TBS. This program activity is used by all departments and agencies to describe corporate services designed to deliver cost-effective support services that facilitate the achievement of departmental objectives.

The six priorities mentioned in the first section of this document are aimed at supporting and enhancing the Canadian Section's ability to administer the dispute settlement mechanisms of the NAFTA. This approach enables alignment with the key co-delivery organizations.

The logic model shown in Table 3 on page 10 identifies the linkages between the activities of the NAFTA Secretariat, Canadian Section and the achievement of its strategic outcome. It shows the chain of results connecting resources and program activities to outputs and to expected results, intermediate outcomes and strategic outcome.

2.2 Performance Measure Strategy

At the completion of each panel review, the Canadian Section monitors client (panelists, assistant to panelists and counsel for participants) satisfaction with its services by requesting them to complete a **Client Service Standards Monitoring Questionnaire**. The most important service qualities clients are asked to rate include:

- accuracy, relevance and quality of information provided;
- the impartiality of the information;
- provision of guidance by senior staff on the dispute settlement processes, rules of procedures and code of conduct;
- accessibility of the staff;
- independence; and
- scheduling of panel hearings/conference calls/panel meetings.

This feedback enables the Section to evaluate its services on an ongoing basis and to maintain its high service standards. During the year under review, there were two cases filed in Canada. One of theses cases was terminated before panel selection and the other was stayed pending the final disposition of the judicial review proceeding before the Federal Court of Appeal. As a result, the client satisfaction monitoring survey could not be carried out.

The Canadian Section also obtains feedbacks on its program and activities from its employees at regular management meetings and other key strategic planning meetings. As well, the Canadian Section is committed to the highest standards of ethical behaviour in serving the Canadian public as reflected in its guiding principles (see ANNEX B).

Table 3: Logic Model

STRATEGIC OUTCOME

A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada.

INTERMEDIATE OUTCOMES

- Improved support to panels and committees
- Unbiased and equitable administrative process
- Corporate culture that ensures transparency in management processes
- Increased national and international collaboration
- Maintenance of the highest quality of administration
- Improved management practices and continuous learning

OUTPUT

- Administered 13 panel proceedings
- Issued 2 panel decisions
- Procedural advice and guidance
- Quality manuals and quality procedures developed based on ISO 9001:2000
- Information management services

PROGRAMS, PRIORITIES AND RESOURCES

Program Activity	Priorities	Actual Spending	Human Resources FTEs
Administration of International Trade Dispute Settlement Mechanisms	• Support to panels and committees • Unbiased and equitable administrative process • Openness and accountability • National and international collaboration	$725	4
Internal Services	• Operational efficiency and effectiveness • Highest quality of service	$786	5

2.3 Performance Accomplishments

In the 2006-2007 reporting period, the NAFTA Secretariat, Canadian Section administered a total of 13 panel proceedings, with 2 decisions issued. Two of these proceedings were completed and the remaining were still under review as at March 31, 2007. Status reports for these cases are available on the NAFTA Secretariat website at http://www.nafta-sec-alena.org.

Case Summary 2006-2007	
Cases administered	13
• completed	3
• active at year end	10
Decision issued	2

The following is the list of panel reviews administered during the year under review:

- Copper pipe fittings originating in or exported from the United States of America (Dumping) - CDA-USA-2007-1904-01;
- Unprocessed grain corn, excluding seed corn (for reproductive purposes), sweet corn and popping corn, originating in or exported from the United States of America (AD/CVD) – CDA-USA-2006-1904-01;
- Pure Magnesium from Canada (Full Sunset Review of the antidumping duty order) - USA-CDA-2000-1904-09;
- Certain Softwood Lumber Products from Canada (Dumping) - USA-CDA-2002-1904-02;
- Certain Softwood Lumber Products from Canada (Countervailing Duty) - USA-CDA-2002-1904-03;
- Magnesium from Canada (Five-Year Reviews of the Countervailing Duty and Antidumping Duty Orders) - USA-CDA-2004-1904-01;
- Certain Softwood Lumber Products from Canada (Final Results of Countervailing Duty Administrative Review and Rescission of Certain Company-Specific Reviews) - USA-CDA-2005-1904-01;
- Certain Softwood Lumber Products from Canada (Determination under Section 129(a)(4) of the Uruguay Round Agreements Act) - USA-CDA-2005-1904-03;
- Certain Softwood Lumber Products from Canada (Antidumping Duty Determination under Section 129 of the Uruguay Round Agreements Act) - USA-CDA-2005-1904-04;
- Certain Softwood Lumber Products from Canada (Final Results of Antidumping Duty Administrative Review) - USA-CDA-2006-1904-01;
- Certain Softwood Lumber Products from Canada (Final Countervailing Duty Administrative Review) - USA-CDA-2006-1904-02;
- Carbon and Certain Alloy Steel Wire Rod from Canada (Final Results of Antidumping Duty Administrative Review) - USA-CDA-2006-1904-04; and
- Certain Softwood Lumber Products from Canada (Final Scope Ruling) - USA-CDA-2006-1904-05.

Additionally, during the period under review, the Canadian Section provided services such as translations, distribution of documents, record-keeping, safeguarding and dissemination of records of completed panel reviews. It also provided logistical planning for panel

meetings and hearings, administrative and accounting services, as well as procedural guidance regarding the rules of procedures and the Code of Conduct to counsel for participants, panelists and assistants to panelists.

2.3.1 Support to Panels and Committees

The NAFTA Secretariat, Canadian Section is committed to administer the dispute settlement processes in a timely, fair and effective manner. The major tasks include case management, administrative, technical and logistical support to panels and committees, including the administration of a court-like registry at a level comparable to other registries of superior courts of record in Canada.

To this end, the Canadian Section:

- planned and coordinated activities to provide logistical support to all panels;
- ensured fair and equitable procedural and administrative services based on the legal principles and the rules and regulations applicable to the proceedings;
- administered and operated a court-like registry for the filing and processing of panel review documents; and
- continued to use its website to disseminate information on dispute settlement matters. The trilateral website (www.nafta-sec-alena.org) received over 2.65 million hits over the past three and a half years, while the Canadian Section site (www.nafta-sec-alena.org/canada/index_e.aspx) received 207,206. The high traffic can be attributed to the ease of access to a large volume of information made available on the websites. They have proven to be a cost-effective and timely way of disseminating information to the visitors. In this regard, the Email Updates notification initiative started three years ago has now stabilized to over 1,600 subscribers. The newsletter announces the filing of new panel reviews and the issuance of panel decisions.

2.3.2 Unbiased and Equitable Administrative Process

Fundamental to the effectiveness of the NAFTA Secretariat is its independence from the three national governments. This independence allows it to offer impartial procedural guidance and equitable administrative support to the participants and panels of experts who hear and decide on cases brought before them. To this end, the Canadian Section is committed to applying fair and equitable procedural and administrative practices that are governed by the rules and regulations as well as legal principles applicable to the proceedings.

In January 2007, the Canadian General Standards Board audited the management systems implemented by the NAFTA Secretariat, Canadian Section and verified that it conforms to the requirements specified in the ISO 9001:2000 standards. As a

result, our management quality system has been certified and as explained in our 2006-2007 RPP, we joined the Mexican Section accomplishments in this regard. The ISO certification is well respected in the business community and the NAFTA Secretariat therefore adds to its credibility in the management of trade disputes.

2.3.3 Openness and Accountability

The NAFTA Secretariat, Canadian Section is committed to the promotion of a corporate culture that ensures transparent management processes and accountability to the NAFTA Free Trade Commission and the public.

To this end, the Canadian Section:

- continued its effective participation in the NAFTA Chapter 19 Operation Working Group, which comprises the representatives of the Parties, their investigating authorities and the three national sections. The activities are aimed at improving the operations of the dispute settlement processes; and
- continued to promote the full understanding of Canada's free trade goals and achievements to all levels of government, the private and voluntary sectors, individuals and the media through the provision of effective communication, in particular by the agency's Secretary.

2.3.4 National and International Collaboration

Collaboration with the other national sections in the joint administration of panels as well as in the joint development of policies and programs aimed at facilitating the operations of the dispute resolution processes is of paramount importance in fulfilling the mandate of the NAFTA Secretariat.

To this end, the Canadian Section:

- continued its coordination and collaborative endeavour with the other national sections in the joint administration of dispute settlement panels; and
- continued the consultation with our counterparts in the other national section on the multi-year project of digitization of all completed panel review documents for preservation, speedy retrieval process and research purposes. To date, the completed Canadian and Mexican cases have been digitized.

2.3.5 Operational Efficiency and Effectiveness

The NAFTA Secretariat, Canadian Section is committed to employing new information technologies to further develop and enhance systems and processes that

improve the overall efficiency of the dispute settlement processes and staff productivity.

In this context, the Canadian Section,

- provided financial administration support to panels and committees;
- made available to the general public, through local municipal libraries' inter-library loan protocol, the Canadian Section's reference centre collection (see http://www.nafta-sec-alena.org/canada/index_e.aspx?CategoryId=79. In 2006-2007, the Canadian Section invested over $18,000 in acquisitions of new books.
- upgraded information technology infrastructure, security, licence and maintenance of the network with a total cost of $120,000; and
- carried out consultation work with other national sections for the redesign of the NAFTA website and the Registry Information System during the next fiscal year. This is necessary because the Registry Information System was developed in 2001/2002 and it needs to be redesigned to meet our evolving needs. As well, the websites need to conform to the new Common Look and Feel Standards for the Internet (CLF 2.0).

2.3.6 Highest Quality of Service

The NAFTA Secretariat, Canadian Section is committed to maintaining the highest quality of service in the administration of dispute settlement mechanisms. As well, it continued to promote employee professional development in order to maintain high level of expertise. Additionally, it further improved professional services and corporate management frameworks, policies and processes.

In that regard, the Canadian Section continued to put sustained emphasis on the strategic management of human resources to ensure that it recruited competent and devoted employees who remained with the organization, by offering a workplace atmosphere that promotes learning and professional development for all. The goal is to ensure that employees and managers have the knowledge and skills to meet evolving mandatory job requirements in order to offer an exceptional support and service continuity to our clients - trade law experts and judges chosen by national governments that adjudicate trade disputes brought before them.

To achieve this goal, during the year under review, the Canadian Section developed a new Policy on Talent Management, which reflects the new changes brought forward with the implementation of the Public Service Modernization Act and the new powers delegated to Head of Agencies. As a result of this policy, the Canadian Section has established adequate qualification criteria for the recruitment, learning, development and retention of its personnel. Employees are provided with the appropriate initial, continuing and specialized training as may be deemed necessary to acquire and maintain the level of expertise required to do their job and achieve

their career goals. The cost associated with training was $48,700 and the implementation of the policy was $20,000. Additional services without charges were also received from the Small Agencies Transition Support Team.

Also, the Canadian Section now makes available to all its new employees a welcome kit that provides key information on getting acquainted with work practices in the Federal Public Service. Lessons learned over past years indicate that an individual's integration in a small organization shall not be taken for granted.

2.4 Financial Information

Tables 4 to 6 shown below provide comparison of planned and actual spending, voted resources and net cost of the NAFTA Secretariat, Canadian Section.

Complete financial statements are enclosed in ANNEX C. The have been prepared in accordance with accrual accounting principles. The unaudited supplementary information presented in the financial tables in the DPR is prepared on a modified cash basis of accounting principles in order to be consistent with appropriations-based reporting. Note 3 on page 30 of the financial statements reconcile these two accounting methods.

Table 4: Comparison of Planned to Actual Spending (Including FTEs)

This table provides a comparison of the Main Estimates, planned spending, total authorities, and actual spending for the most recently completed fiscal year, as well as historical figures for actual spending by the NAFTA Secretariat, Canadian Section.

Historical Comparison of Planned to Actual Spending ($,000)						
Program Activity	Actual 2004–2005	Actual 2005-2006	**2006 – 2007**			
			Main Estimates	**Planned Spending**	**Total Authorities**	**Actual Spending**
Administration of International Trade Dispute Settlement Mechanisms	1,646	2,003	**2,991**	**2,991**	**2,940**	**1,511**[1]
Total	1,646	2,003	**2,991**	**2,991**	**2,940**	**1,511**[1]
Less: Non-respendable revenue	19	0	N/A	**241**	N/A	2
Plus: Cost of services received without charge	196	203	N/A	**241**	N/A	**209**
Total Departmental Spending	1,823	2,206	N/A	**2,991**	N/A	**1,718**
FTEs	13	12	N/A	**12**	N/A	**9**

1. The Canadian Section has one business line, which is the administration of international trade dispute settlement mechanisms. This is also our key program activity. The reported amounts include expenditures related to our second program activity (internal services) that supports our key program.

Table 5: Voted and Statutory Items

This table explains the way Parliament voted resources to the NAFTA Secretariat, Canadian Section, and basically replicates the summary table listed in the Main Estimates.

Vote or Statutory Item	Truncated Vote or Statutory Wording	2006-2007			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
65	Program Expenditures	2,789	2,789	2,806	1,377
(S)	Contributions to Employee Benefit Plans (EBP)	202	202	134	134
	Total	2,991	2,991	2,940	1,511

Table 6: Net Cost of Program

This table shows the net cost of the NAFTA Secretariat, Canadian Section. It begins with the actual spending and adds services received without charge to arrive at the net cost of the department to Canadians.

Net Cost of Program ($ 000)	
2006-2007	
Total Actual Spending	**1,511**
Plus: Services Received without Charge	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	**163**
Contributions covering employer's share of employee's insurance premiums and expenditures paid by TBS (excluding revolving funds)	**46**
Sub-total	**209**
Less: Non-respendable Revenue	**2**
2006-2007 Net cost of Program	**1,718**

SECTION 3 – SUPPLEMENTARY INFORMATION

3.1 Overview

- **Mandate:**
  - Provide administrative assistance to panels and committees; and
  - Provide assistance to the NAFTA Free Trade Commission (See ANNEX A for details).

- **Size:**
  - 2006-2007 Actual Spending = $1,511,317
  - Number of FTEs = 9

- **Role:**
  - Administration of international trade dispute settlement mechanisms by providing registry services and procedural guidance with respect to the Rules of Procedures, Code of Conduct and conflict of interest guidelines that apply to panels of experts who hear and decide on cases brought before them (visit http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=8 for an overview of NAFTA dispute settlement provisions); and
  - Joint administration of dispute settlement panels with the other involved national section(s) following an appeal of a decision made by an investigating authority such as, in Canada, the Canada Border Services Agency (CBSA) and the Canadian International Trade Tribunal (CITT) and government to government disputes involving two or three Parties.

- **Reporting Relationship:**
  - Reports to Parliament through the Minister of International Trade (see Section 3.7 for Accountability Structure).

3.2 Who We Are

The NAFTA Secretariat is a unique organization established by the Free Trade Commission, pursuant to Article 2002 of the NAFTA. It comprises the Canadian, the United States and the Mexican national sections.

3.3 Where We Are Located

The national sections, which are "mirror-images" of each other, are located in Ottawa, Washington and Mexico City, and each is headed by a Secretary appointed by her/his respective government.

3.4 How We Are Organized

Each national section maintains a court-like registry relating to panel and committee proceedings. The involved national sections provide joint administration of panel and committee proceedings and share equally all expenses related to such proceedings. As a result, the national sections have harmonized their registry operations and records management practices. Further, the three national sections have jointly developed and administer the Integrated Registry Information System and the NAFTA Trilateral website, which are hosted by the Canadian Section. In light of this, the Canadian Section's relationship with its counterpart sections in the United States and Mexico is fundamental to its effective performance.

3.5 Roles

In the administration of the dispute settlement provisions of the relevant free trade agreements (see ANNEX A for details), the NAFTA Secretariat, Canadian Section provides professional and advisory support to panels and committees and coordinates all panel and financial aspects of the process.

In addition to the assistance provided in support of the dispute resolution process, the Canadian Section is also involved in facilitating the operation of these agreements through the provision of information and professional services. This is achieved through initiatives such as the establishment of an Internet website, the maintenance of a library and reference centre, research and analysis of trade related issues and, through collaboration with other national sections, establishment of management, policy, and procedural frameworks.

3.6 Travel Policies

Special Travel Authorities:

The NAFTA Secretariat, Canadian Section follows the TBS Special Travel Authorities.

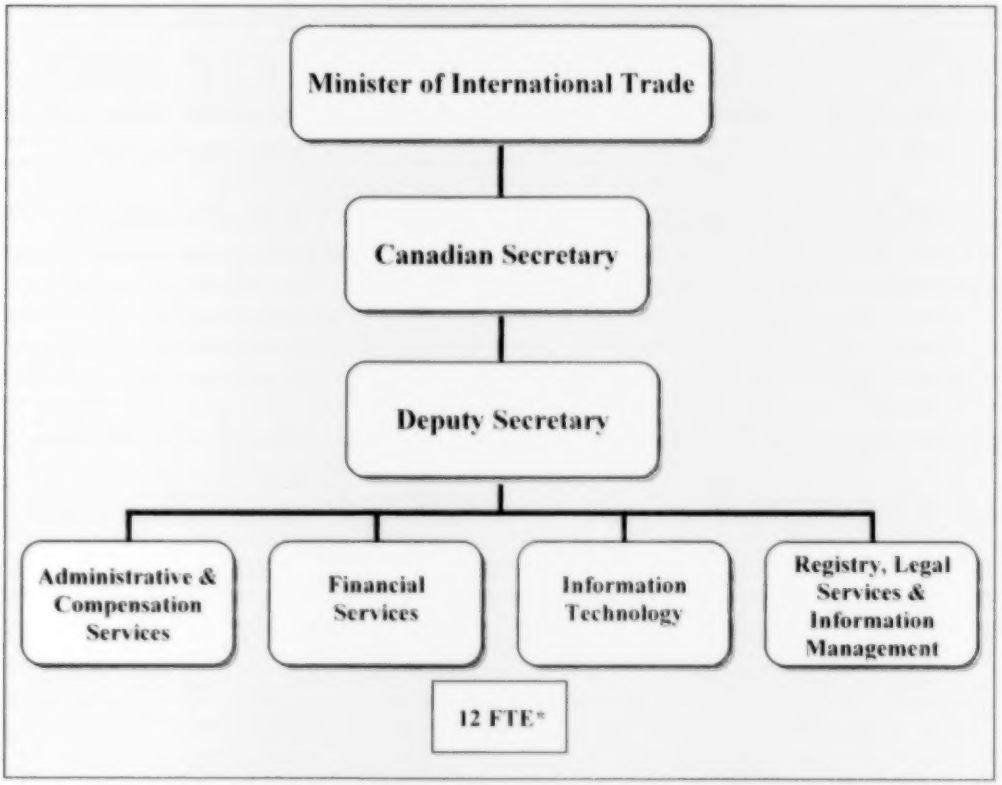
Travel Directive, Rates and Allowances:

The NAFTA Secretariat, Canadian Section follows the TBS Travel Directive, Rates and Allowances.

3.7 Responsibility Chart

The NAFTA Secretariat, Canadian Section has one program and one business line. For financial purposes accountability, the reporting structure is to Parliament through the Minister of International Trade (see figure 1).

Figure: 1 The NAFTA Secretariat, Canadian Section's Organizational Structure



* Full-Time Equivalent (FTE): A full-time equivalent is the unit of measurement for personnel resources and refers to the employment of one person for one full year or the equivalent thereof. FTEs are not subject to Treasury Board control, but are disclosed in Part III of the Estimates in support of personnel expenditure requirements.

ANNEX A

The Mandate of the NAFTA Secretariat

The mandate of the Secretariat is set out in Article 2002.3 of the NAFTA and reads:

> *The Secretariat shall:*
>
> *a) provide assistance to the Commission;*
>
> *b) provide administrative assistance to:*
>
> *(i) panels and committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), in accordance with the procedures established pursuant to Article 1908; and*
>
> *(ii) panels established under this Chapter, in accordance with procedures established pursuant to Article 2012; and*
>
> *c) as the Commission may direct:*
>
> *(i) support the work of other committees and groups established under this Agreement; and*
>
> *(ii) otherwise facilitate the operation of this Agreement.*

In 1997 and then again in 2002, the Canadian Section's mandate was expanded to include the administration of the dispute settlement processes under the following trade agreements:

- the Canada-Israel Free Trade Agreement (CIFTA);
- the Canada-Chile Free Trade Agreement (CCFTA); and
- the Canada-Costa Rica Free Trade Agreement (CCRFTA).

Legislation governing the work of the Canadian Section is as follow:

- *the North American Free Trade Agreement Implementation Act;*
- *the Special Imports Measures Act;*
- *the Canada-Israel Free Trade Agreement Implementation Act;*
- *the Canada-Chile Free Trade Agreement Implementation Act;* and
- *the Canada-Costa Rica Free Trade Agreement Implementation Act.*

ANNEX B

Guiding Principles

Commitment to an Unbiased and Equitable Administrative Process	The NAFTA Secretariat, Canadian Section is committed to administering the dispute settlement provisions of the relevant Free Trade Agreements and other Bilateral Agreements as directed by the Parties in a manner which ensures unbiased administrative processes, equity, security and fairness.
Commitment to Service Quality	The NAFTA Secretariat, Canadian Section is committed to maintaining the highest quality of administration to all dispute settlement proceedings and to investing in technologies that will sustain future operations.
Support to Stakeholders	The NAFTA Secretariat, Canadian Section is committed to supporting and providing services to its stakeholders in dispute resolution in a manner that is impartial, responsive, accessible and timely.
Openness and Accountability	The NAFTA Secretariat, Canadian Section is committed to the promotion of a corporate culture implementing transparent management processes and accountability, both to the NAFTA Free Trade Commission and to the public.
Operational Efficiency	The NAFTA Secretariat, Canadian Section is committed to pursuing alternative service delivery to enhance information access and sharing and to improve operating practices.
Continuous Learning	The NAFTA Secretariat, Canadian Section is committed in having in place professional and motivated employees and in offering them the opportunity to advance their careers through continuous learning.

ANNEX C

Financial Statements (Unaudited)

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NAFTA SECRETARIAT, CANADIAN SECTION

Statement of Management Responsibility

Responsibility for the integrity and objectivity of the accompanying financial statements for the year ended March 31, 2007 and all information contained in these statements rests with NAFTA Secretariat - Canadian Section management. These financial statements have been prepared by management in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Management is responsible for the integrity and objectivity of the information in these financial statements. Some of the information in the financial statements is based on management's best estimates and judgment and gives due consideration to materiality. To fulfil its accounting and reporting responsibilities, management maintains a set of accounts that provides a centralized record of the department's financial transactions. Financial information submitted to the *Public Accounts of Canada* and included in the Secretariat's *Departmental Performance Reports* consistent with these financial statements except for the following:

After submitting the final trial balance and the Public Accounts information for the 2005-2006 year, management became aware of errors in its calculation of amortization expense and in the presentation of the vacation and compensatory leave liability for that and prior years. These financial statements reflect the correct amounts and presentation.

Management maintains a system of financial management and internal control designed to provide reasonable assurance that financial information is reliable, that assets are safeguarded and that transactions are in accordance with the *Financial Administration Act*, are executed in accordance with prescribed regulations, within Parliamentary authorities, and are properly recorded to maintain accountability of Government funds. Management also seeks to ensure the objectivity and integrity of data in its financial statements by careful selection, training and development of qualified staff, by organizational arrangements that provide appropriate divisions of responsibility, and by communication programs aimed at ensuring that regulations, policies, standards and managerial authorities are understood throughout the Secretariat.

The financial statements of the Secretariat have not been audited.

François Raynauld, Ph.D.
Secretary
Ottawa, Ontario
date: 9 août 2007

Daniel Plourde
Senior Financial Officer
Ottawa, Ontario
date: 9 août 2007

NAFTA SECRETARIAT, CANADIAN SECTION

Statement of Operations (Unaudited)

For the year ended March 31
(in dollars)

	2007	2006
Expenses		
Salaries and employee benefits	706,117	974,533
Professional and special services	272,385	825,212
Accommodation	205,299	196,225
Communications, travel and relocation	48,202	92,213
Amortization	42,490	34,366
Furniture and equipment	28,547	32,566
Material and supplies	24,060	30,316
Repairs and maintenance	20,151	12,281
Information	6,930	11,942
Equipment rentals	5,573	5,621
Miscellaneous	4,095	2,742
Total Expenses	**1,363,849**	**2,218,017**
Miscellaneous Revenues	**2,039**	**-**
Net Cost of Operations	**1,361,810**	**2,218,017**

The accompanying notes form an integral part of these financial statements.

NAFTA SECRETARIAT, CANADIAN SECTION

Statement of Financial Position (Unaudited)

For the year ended March 31
(in dollars)

	2007	2006
Assets		
Financial assets		
Accounts receivable and advances (Note 4)	255,089	179,443
Total financial assets	**255,089**	**179,443**
Non-financial assets		
Tangible capital assets (Note 5)	97,386	52,317
Total non-financial assets	**97,386**	**52,317**
TOTAL	**352,475**	**231,760**
Liabilities		
Liabilities		
Accounts payable and accrued liabilities	296,289	668,881
Vacation pay and compensatory leave	47,357	77,145
Employee severance benefits (Note 6)	153,112	212,254
	496,758	**958,280**
Equity of Canada	**(144,283)**	**(726,520)**
TOTAL	**352,475**	**231,760**

The accompanying notes form an integral part of these financial statements.

NAFTA SECRETARIAT, CANADIAN SECTION

Statement of Equity of Canada (Unaudited)

For the year ended March 31
(in dollars)

	2007	2006
Equity of Canada, beginning of year	**(726,520)**	(562,228)
Net cost of operations	**(1,361,810)**	(2,218,017)
Current year appropriations used (Note 3)	**1,511,318**	2,002,963
Net change in Consolidated Revenue Fund (Note 3)	**223,989**	(152,972)
Services provided without charge from other government departments (Note 7a)	**208,740**	203,734
Equity of Canada, end of year	**(144,283)**	**(726,520)**

The accompanying notes form an integral part of these financial statements.

Statement of Cash Flow (Unaudited)

For the year ended March 31
(in dollars)

	2007	2006
Operating activities		
Net cost of operations	**1,361,810**	2,218,017
Non-cash items		
Amortization of capital assets	**(42,490)**	(34,366)
Services provided without charge from other departments (Note 7a)	**(208,740)**	(203,734)
	1,110,580	**1,979,917**
Increase in accounts receivable and advances	**25,646**	48,642
Decrease (increase) in liabilities	**461,522**	(215,695)
Cash used by operating activities	**1,647,748**	**1,812,864**
Capital investment activities		
Acquisitions of tangible capital assets	**87,559**	37,127
Cash used by capital investment activities	**87,559**	**37,127**
Financing Activities		
Net cash provided by Government of Canada	**(1,735,307)**	**(1,849,991)**

The accompanying notes form an integral part of these financial statements.

NAFTA SECRETARIAT, CANADIAN SECTION

Notes to the Financial Statements (Unaudited)

1. Authority and objectives

The NAFTA Secretariat comprised of the Canadian, United States and Mexican national sections is a unique organization, established by the NAFTA Free Trade Commission. The mandate of the Secretariat is set out in Article 2002.3 of the North American Free Trade Agreement.

The NAFTA Secretariat, Canadian Section's program objective is to implement the dispute settlement provisions of the North American Free Trade Agreement (NAFTA), the Canada-Israel Free Trade Agreement (CIFTA), the Canada-Chile Free Trade Agreement (CCFTA), and the Canada-Costa Rica Free Trade Agreement (CCRFTA), by providing support to panels established under the relevant agreements and by maintaining a court-like registry system relating to panel, committee and tribunal proceedings of the relevant agreements.

2. Summary of significant accounting policies

The financial statements have been prepared in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Significant accounting policies are as follows:

(a) Parliamentary appropriations – The NAFTA Secretariat, Canadian Section is financed by the Government of Canada through Parliamentary appropriations. Appropriations provided to the Secretariat do not parallel financial reporting according to generally accepted accounting principles since appropriations are primarily based on cash flow requirements. Consequently, items recognized in the statement of operations and the statement of financial position are not necessarily the same as those provided through appropriations from Parliament. Note 3 provides a high-level reconciliation between the bases of reporting.

(b) Net Cash Provided by Government – The NAFTA Secretariat, Canadian Section operates within the Consolidated Revenue Fund (CRF). The CRF is administered by the Receiver General for Canada. All cash received by the Secretariat is deposited to the CRF and all cash disbursements made by the Secretariat are paid from the CRF. Net cash provided by Government is the difference between all cash receipts and all cash disbursements including transactions between departments of the federal government.

(c) Change in net position in the Consolidated Revenue Fund is the difference between the net cash provided by Government and appropriations used in a year, excluding the amount of non-respendable revenue recorded by the department. It results from timing differences between when a transaction affects appropriations and when it is processed through the CRF.

(d) Revenues – Revenues are accounted for in the period in which the underlying transaction or event occurred that gave rise to the revenues.

(e) Expenses – Expenses are recorded on the accrual basis:

i. Vacation pay and compensatory leave are expensed as the benefits accrue to employees under their respective terms of employment.

ii. Services provided without charge by other government departments for accommodation and the employer's contribution to the health and dental insurance plans are recorded as operating expenses at their estimated cost.

(f) Employee future benefits

i. Pension benefits – Eligible employees participate in the Public Service Pension Plan, a multiemployer plan administered by the Government of Canada. The NAFTA Secretariat, Canadian Section's contributions to the Plan are charged to expenses in the year incurred and represent the total departmental obligation to the Plan. Current legislation does not require the Secretariat to make contributions for any actuarial deficiencies of the plan.

2. Summary of significant accounting policies (continued)

n Severance benefits: Employees are entitled to severance benefits under labour contracts or conditions of employment. These benefits are accrued as employees render the services necessary to earn them. The obligation relating to the benefits earned by employees is calculated using information derived from the results of the actuarially determined liability for employee severance benefits for the Government as a whole.

(g) Accounts receivable and advances are stated at amounts expected to be ultimately realized; a provision is made for receivables where recovery is considered uncertain.

(h) Foreign currency transactions – Transactions involving foreign currencies are translated into Canadian dollar equivalents using rates of exchange in effect at the time of those transactions. Monetary assets and liabilities denominated in a foreign currency are translated into Canadian dollars using the rate of exchange in effect on March 31.

(i) Tangible capital assets – All tangible capital assets and leasehold improvements having an initial cost of $500 or more are recorded at their acquisition cost.

Amortization of tangible capital assets is done on a straight-line basis over the estimated useful life of the assets as follows:

Asset Class	Amortization Period
Office furniture and equipment	5 years
Computer software	3 years
Computer hardware	3 years
Leasehold improvements	Lease term

(j) Measurement uncertainty – The preparation of these financial statements, in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector, requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, revenues and expenses reported in the financial statements. At the time of preparation of these statements, management believes the estimates and assumptions to be reasonable. The most significant items where estimates are used are the liability for employee severance benefits and the useful life of tangible capital assets. Actual results could differ from those estimated. Management's estimates are reviewed periodically and, as adjustments become necessary, they are recorded in the financial statements in the year they become known.

3. Parliamentary Appropriations

The NAFTA Secretariat, Canadian Section receives all of its funding through annual Parliamentary appropriations. Items recognized in the statement of operations and the statement of financial position in one year may be funded through Parliamentary appropriations in prior, current or future years. Accordingly, the NAFTA Secretariat, Canadian Section has different net results of operations for the year on a government funding basis than on an accrual accounting basis. The differences are reconciled in the following tables:

(a) Reconciliation of net cost of operations to current year appropriations used:	**2007**	**2006**
	(in dollars)	
Net cost of operations	1,361,810	2,218,017
Adjustments for items affecting net cost of operations but not affecting appropriations:		
Add (Less):		
Services provided without charge	(208,730)	(203,754)
Vacation and compensatory leave	6,479	12,602
Amortization of tangible capital assets	(42,496)	(34,366)
Employee severance benefits	59,142	(54,314)
Shared cost activities - net (Note 7c)	(17,500)	28,525
Adjustment to prior years Payables At Year End (PAYE)	245,438	-
Other	19,620	(894)
Adjustments for items not affecting net cost of operations but affecting appropriations:		
Add (Less):		
Acquisition of tangible capital assets	87,550	37,127
Current year appropriations used	1,511,318	2,002,963

(b) Appropriations provided and used:	**Appropriations Provided**	
	2007	**2006**
	(in dollars)	
Vote 15 – Operating expenditures	2,789,000	2,750,000
Transfer from TB Vote 15	17,000	-
Special warrants (Note 7c)	-	41,867
Contributions to employee benefits plan	133,858	141,792
Less:		
Lapsed appropriations: Operating	(1,428,540)	(930,696)
Total appropriations used	1,511,318	2,002,963

3. Parliamentary Appropriations (continued)

(c) Reconciliation of net cash provided by Government to current year appropriations used:

	2007	2006
	(in dollars)	
Net cash provided by Government	1,735,307	1,839,041
Change in net position in the Consolidated Revenue Fund		
Variation in accounts receivable and advances	(75,646)	(48,642)
Variation in accounts payable and accrued liabilities	(461,522)	215,695
Shared cost activities - net (Note 7c)	(17,500)	28,525
Adjustment to prior years Payables At Year End (PAYE)	245,438	-
Other adjustments	85,241	(42,606)
	(223,989)	152,972
Current year appropriations used	1,511,318	2,002,963

4. Accounts Receivable and Advances

The following table presents details of the accounts receivable

	2007	2006
	(in dollars)	
Receivables from other Federal Government departments and agencies	95,989	125,872
Receivables from external parties	158,700	53,871
Advances	400	700
Total	255,089	179,443

5. Tangible Capital Assets

(in dollars)

	Cost				Accumulated amortization					
Capital asset class	Opening balance	Acquisitions	Disposals	Closing Balance	Opening balance	Amortization	Disposals	Closing Balance	2007 Net Book Value	2006 Net Book Value
Office furniture and equipment	115,647	10,298	(700)	125,245	106,038	5,406	(700)	110,744	14,501	9,609
Computer equipment	294,057	54,844	(36,055)	312,846	263,537	27,712	(36,055)	255,194	57,652	30,520
Computer software	14,625	2,752		17,377	2,437	4,875		7,312	10,065	12,188
Leasehold Improvements	58,127	19,665		77,792	58,127	4,407		62,624	15,168	-
Total	482,456	87,559	(36,755)	533,260	430,139	42,400	(36,755)	435,874	97,386	52,317

Amortization expense for the year ended March 31, 2007 is $42,400 (2006 - $34,366)

6. Employee Benefits

(a) Pension benefits: The NAFTA Secretariat, Canadian Section's employees participate in the Public Service Pension Plan, which is sponsored and administered by the Government of Canada. Pension benefits accrue up to a maximum period of 35 years at a rate of 2 percent per year of pensionable service, times the average of the best five consecutive years of earnings. The benefits are integrated with Canada Quebec Pension Plan benefits and they are indexed to inflation.

Both the employees and the department contribute to the cost of the Plan. The 2006-07 expense amounts to $98,774 ($104,926 in 2006), which represents approximately 2.2 times (2.6 in 2005-2006) the contributions by employees.

The Secretariat's responsibility with regard to the Plan is limited to its contributions. Actuarial surpluses or deficiencies are recognized in the financial statements of the Government of Canada, as the Plan's sponsor.

(b) Severance benefits: The NAFTA Secretariat, Canadian Section provides severance benefits to its employees based on eligibility, years of service and final salary. These severance benefits are not pre-funded. Benefits will be paid from future appropriations. Information about the severance benefits, measured as at March 31, is as follows:

	2007	2006
	(in dollars)	
Accrued benefit obligation, beginning of year	212,254	157,940
Expense for the year	(59,142)	54,314
Benefits paid during the year	-	-
Accrued benefit obligation, end of year	153,112	212,254

7. Related party transactions

The NAFTA Secretariat, Canadian Section is related as a result of common ownership to all Government of Canada departments, agencies, and Crown corporations. The Secretariat enters into transactions with these entities in the normal course of business and on normal trade terms. Also, during the year, the department received services which were obtained without charge from other Government departments as presented in part (a).

(a) Services provided without charge:

During the year the NAFTA Secretariat, Canadian Section received without charge from other departments, accommodation and the employer's contribution to the health and dental insurance plans. These services without charge have been recognized in the Secretariat's Statement of Operations as follows:

	2007	2006
	(in dollars)	
Accommodation	162,794	152,397
Employer's contribution to health and dental insurance plans	45,926	51,337
	208,720	203,734

The Government has structured some of its administrative activities for efficiency and cost-effectiveness purposes so that one department performs these on behalf of all without charge. The costs of these services, which include payroll, cheque issuance and translation services provided by Public Works and Government Services Canada, are not included as an expense in the NAFTA Secretariat, Canadian Section's Statement of Operations.

7. Related party transactions (continued)

(b) Payables and receivables outstanding at year-end with related parties

	2007	2006
	(in dollars)	
Accounts receivable with other government departments and agencies	95,989	125,872
Accounts payable to other government departments and agencies	57,628	29,265

(c) Administration of cost shared services

The NAFTA Secretariat, Canadian Section coordinates and manages the funds obtained by the Council of the Network of Departmental Official Languages Champions (CNDOLC). The Council is funded according to voluntary contributions from departments and agencies. In 2006-2007, the contributions received exceeded the funding required by the Council and thus, $17,500 was transferred to the Treasury Board at year end. During fiscal year 2005-2006, the Treasury Board granted a contribution of $41,667 from Public Service Human Resource Management Agency of Canada's *Official Languages Innovation Fund*, of which $28,525 was spent.

HOW TO CONTACT US

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